

NEBRASKA STATE BOARD OF HEALTH MEETING
DRAFT MINUTES – December 14, 2021

ATTENDANCE NOTIFICATION. The Chair, Dr. Tim Tesmer, called an emergency meeting of the State Board of Health to order at 1:05 PM on December 14, 2021. The meeting was held by telephone with staff in Conference Room 5-B of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed electronically to board members and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Shane Fleming, MSN, RN; Diane Jackson, APRN; Michael Kotopka, DDS; John Kuehn, DVM; Mark Patefield, PharmD; David Reese, MHA; Daniel Rosenthal, PE; Robert (Bud) Synhorst, MEd; Timothy Tesmer, MD; Doug Vander Broek, DC. Quorum met.

Staff and others in attendance: Monica Gissler; Caryn Vincent, Becky Wisell

Board members not in attendance: Joel Bessmer, MD; Russell Crotty, OD; Donald Ostdiek, DPT; Colton Palmer, PMHNP; Dan Vehle; Joshua Vest, DPM

APPROVAL OF AGENDA. Dr. Tesmer asked if there were any changes to the agenda for the meeting today. Mr. Fleming made a motion to approve the agenda, seconded by Dr. Patefield; voting yes: 10 (Fleming, Jackson, Kotopka, Kuehn, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek); voting no: 0; not voting: 0. Motion carried.

Rules and Regulations Committee – Dr. Vest, Committee Chair, reported. Regulations were reviewed with staff during the morning committee meeting.

<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

- 174 NAC 6, Release of Medical History, Original Birth Certificate, and Relative's Information Following the Adoption of a Nebraska Born Person. These regulations are intended to implement the law governing the release of medical history, original birth certificate, and relatives information following the adoption of a Nebraska born person pursuant to Nebraska Revised Statute §§ 43-121 to 43-146.17. They sets forth the requirements for access to original birth information by persons adopted or by an adopted person's heir.

https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2481

There was a Committee motion for approval: voting yes: 9 (Fleming, Jackson, Kotopka, Kuehn, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek); voting no: 0; not voting: 1 (Kotopka). Motion carried.

- 175 NAC 1, General Facility and Services. 175 NAC 1 is a new chapter created as part of the Governor's Executive Order intended to streamline regulations and eliminate duplication of statutory language in regulations. This chapter governs credentials issued to health care facilities and services under the Health Care Facility Licensure Act, with the exception of assisted-living facilities and pharmacies. There were two public hearings held.

https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2485

There was a Committee motion for approval: voting yes: 10 (Fleming, Jackson, Kotopka, Kuehn, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek); voting no: 0; not voting: 0. Motion carried.

- 177 NAC 4, Biological Products and the Distribution of Materials Containing Live Micro-Organisms. Propose to repeal the regulations because storage, dispensing, and dating requirements of biologics are governed by Code of Federal Regulations Title 21 Chapter I, Subchapter F – Biologics and not necessary in state regulation. https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2485

There was a Committee motion for approval: voting yes: 10 (Fleming, Jackson, Kotopka, Kuehn, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek); voting no: 0; not voting: 0. Motion carried.

Board of Health Annual Report for 2021 – Committee reports had been approved at the November 15, 2021 meeting. Reports were finalized after that meeting.

Dr. Kuehn made a motion to approve the revised Board of Health annual report for 2021, seconded by Mr. Synhorst; voting yes: 10 (Fleming, Jackson, Kotopka, Kuehn, Patefield, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek); voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS. None.

NEW BUSINESS. None.

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be January 24, 2022 in the Nebraska State Office Building in Lincoln.

Board of Health meeting dates for 2022:

January 24; PHEL Committee will meet January 19 at 1:00 PM

March 21

June 13

September 19; Professional Board interviews on September 18

November 14

ADJOURN. There being no further business, Mr. Reese made a motion to adjourn, with a second by Mr. Fleming; all in favor by voice vote. The meeting adjourned at 1:25 PM. Minutes were taken by Monica Gissler, and are scheduled for approval by the State Board of Health on January 24, 2022.

NOTE: If you would like to receive these minutes electronically, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-2948, or email at: monica.gissler@nebraska.gov.

Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

12/14/21, mcg